

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

KOTAKI et al.

Art Unit: 1642

RECEIVED

Application No.: 09/674,436

Examiner: Yu, Misook

OCT 0 9 2003

Confirmation No.: 8485

TECH CENTER 1600/2900

Filed: July 16, 2001

Attorney Dkt. No.: 026390-00001

Date: October 6, 2003

For:

GENE-ANY-RF; DORMANCY-CONTROL SUBSTANCE AND METHOD

FOR PREPARING THE SAME AS WELL AS CELL-CONTROL AGENT

FOR BIOLOGICAL CELLS

SUBSTITUTE SEQUENCE LISTING AND STATEMENT UNDER 37 CFR 1.821

Mail Stop Sequence Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Office Communication dated September 29, 2003, applicants hereby submit the attached substitute Sequence Listing, in both a paper copy and computer readable form (in a file named "09674436 Substitute Seg Listing" in ASCII, MS-DOS compatible), for replacing the Sequence Listing filed July 8, 2003.

Applicants hereby state that the sequence listing information recorded in computer readable form is identical to the sequence listing in the paper form.

No new matter is introduced with the substitute Sequence Listing attached.

In the event any fee is required for the filing of this paper, the fee can be charged to Deposit Account No. 01-2300, referencing Docket No. 026390-00001.

Respectfully submitted,

King L. Wong

Registration No. 37,500

Customer No. 004372 ARENT FOX KINTNER PLOTKIN & KAHN, PLLC 1050 Connecticut Avenue, N.W., Suite 400 Washington, D.C. 20036-5339

Tel: (202) 857-6000 Fax: (202) 638-4810

Enclosures: Paper copy of Substitute Sequence Listing

Computer readable form of Substitute Sequence Listing



 $\!<\!120\!>$ Gene Any-RF Dormancy Control Substance and Method for Preparing the Same as Well As Cell Control Agent

<130> 026390-00001

<140> US 09/674,436

<141> 2001-07-16

<150> PCT/JP00/03388

<151> 2000-05-26

<160> 7

<170> Microsoft WORD

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<211> 5

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<213> Artificial Sequence

<2205

<223> Synthesized peptide

<400> 1

Asp Ile Leu Arg Gly

<210> 2

<211> 4

<212> PRT

<213> Artificial Sequence

<220>

<223> Synthesized peptide

<400> 2

Ile Leu Arg Gly

<210> 3

<211> 7

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<223> Synthesized peptide

<220>

<221> Unusual amino acid

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. <212> PRT
. <213> Chloridea obsoleta Fabricius and Sideridis unipuncta Haworth
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. <220>
. <221> Amidation
. <222> 5
. <223> Amidated Leu
. <400> 7
. Phe Xaa Pro Arg Xaa
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UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR I PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.
09/674,436	07/16/2001	Toyomi Kohuki		1101136-0002
			EXAMINER Yu, Misook	
			ART UNIT	PAPER
			1647	11

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Response to Amendment

The reply filed on 7-8-2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the reply only addresses sequence rule compliance but does not address the rejection of records. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Compact Disc Submission

The amendment filed 7-8-2003 contains a data file on CD-ROM/CD-R that has numerous errors. See the attached Error Report. For assistance on this matter, please contact the appropriate person. See the green highlighted area at the Report.

MARY E. MOSHER PRIMARY EXAMINER GROUP 1800 (60)

Misook Yu, 9-24-2003

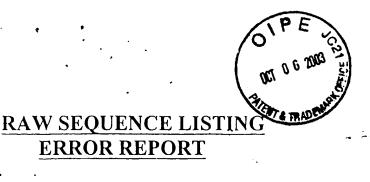
Application No.: 04/674, 436

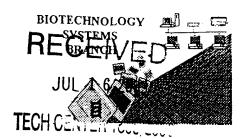
NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUMBER OF THE PROPERTY O

plicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

 The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

X	1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
	2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
	3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
	4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
	 The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
	6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
	7. Other:
Аp	plicant Must Provide:
	An initial or <u>substitute</u> computer readable form (CRF) copy of the "Sequence Listing".
	An initial or <u>substitute</u> paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
M	A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).
For	questions regarding compliance to these requirements, please contact:
For	Rules Interpretation, call (703) 308-4216 CRF Submission Help, call (703) 308-4212 entIn Software Program Support Technical Assistance
	To Purchase Patentin Software703-306-2600





The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable

Application Serial Number:	09/6/4,436/3
Source:	1600
Date Processed by STIC:	7/14/2003
Duto Trocossed by Bire.	1111000

ERROR REPORT

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS. PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (http://www.uspto.gov/ebc/efs/downloads/documents.htm, EFS Submission User Manual - ePAVE)
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- 3. Hand Carry directly to:
 - U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
 - U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
- 4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 04/24/2003



1600

```
DATE: 07/14/2003
                    RAW SEQUENCE LISTING
                    PATENT APPLICATION: US/09/674,436B
                                                            TIME: 13:36:04
                    Input Set : A:\PTOYF.txt
                    Output Set: N:\CRF4\07142003\1674436B.raw
      3 <110> APPLICANT: Kotaki, Toyomi
        Tsukada, Masuhiro
             Suzuki, Koichi
             Yang, Ping
   . 8 <120> TITLE OF INVENTION: Gene Any-RF Dormancy Control Substance and Method for
Preparing the Same
     9 as Well As Cell Control Agent.
    .11 <130> FILE REFERENCE: 024656-00004
                                                                    Does Not Comply
    13 <140> CURRENT APPLICATION NUMBER: US 09/674,436B
                                                                Corrected Countertte Needed
     15 <141> CURRENT FILING DATE: 2001-07-16
                                                                      See pp 1-3
    17 <150> PRIOR APPLICATION NUMBER: PCT/JP00/03388
   - 19 <151> PRIOR FILING DATE: 2000-05-26
    21 <160> NUMBER OF SEQ ID NOS: 6
     23 <170> SOFTWARE: Microsoft WORD
   • 25 <210> SEQ ID NO: 1
     26 <211> LENGTH: 5
     27 <212> TYPE: PRT
     28 <213> ORGANISM: Anthoraca yamamai Guerin-Meneville
     30 <400> SEQUENCE: 1
     31 Asp Ile Leu Arg Gly
     34 <210> SEQ ID NO: 2
     35 <211> LENGTH: 4
                                                  Upstificial sequence "must be explained. See page 3.
     36 <212> TYPE: PRT
   37 <213> ORGANISM: Artificial Sequence
W--> 39/<220> FEATURE:
W--> 39 <223> OTHER INFORMATION:
W--> 39 < 400 > 2
     40 Ile Leu Arg Gly
     42 <210> SEQ ID NO: 3
                                            needs explanation. See p. 3
     43 <211> LENGTH: 7
     44 <212> TYPE: PRT
    45 <213> ORGANISM Artificial Sequence
     47 <220> FEATURE:
W--> 48 <221> NAME/KEY: Unusual amino acid
     49 <222> LOCATION: 2
     50 <223> OTHER INFORMATION: epsilon 6-aminocaproic acid
     51 <221> NAME/KEY: Amidation
     52 <222> LOCATION: 7
                                  Armid Alexander
     53 <223> OTHER INFORMATION: C-terminal amino acid amidated
W-=> 55 <400> 3
W--> 56 Cys Xaa Asp Ile Leu Arg Gly
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59 <210> SEQ ID NO: 4

RAW SEQUENCE LISTING

DATE: 07/14/2003

PATENT APPLICATION: US/09/674,436B

W--> 97 Ile Leu Arg Xaa

TIME: 13:36:04

Input Set : A:\PTOYF.txt

Output Set: N:\CRF4\07142003\I674436B.raw

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                                           needs explanation - see p. 3
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    64 <220> FEATURE:
    .65 <221> NAME/KEY: Amidation
                                  Americated present
    66 <222> LOCATION: 4
    67 <223> OTHER INFORMATION: C-terminal amino acid amidated 4
    69 <400> SEQUENCE: 4
    70 Phe Met Arg Phe Xa A
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    80 <223> OTHER INFORMATION: Amidated glycine
82 <400> SEQUENCE: 5
W--> 83 Asp Ile Leu Arg Xaa
    86 <210> SEQ ID NO: 6
    87 <211> LENGTH: 4
                                             reeds explanation - P.3
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    89 <213> ORGANISM: Artificial Sequence
    91 <220> FEATURE:
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    93 <222> LOCATION: 4
    94 <223> OTHER INFORMATION: Amidated glycine )
    96 <400> SEQUENCE: 6
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7/1 4/03

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 07/14/2003 PATENT APPLICATION: US/09/674,436B TIME: 13:36:05

Input Set : A:\PTOYF.txt

Output Set: N:\CRF4\07142003\I674436B.raw

Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:3; Xaa Pos. 2
Seq#:5; Xaa Pos. 5
Seq#:6; Xaa Pos. 4

Use of <220> Feature(NEW RULES):

Sequence(s) are missing the <220> Feature and associated headings.

Use of <220> to <223> is MANDATORY if <213> ORGANISM is "Artificial Sequence" or "Unknown". Please explain source of genetic material in <220> to <223> section (See "Federal Register," 6/01/98, Vol. 63, No. 104,pp.29631-32)

(Sec.1.823 of new Rules)

Seq#:2,3,4,6

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/674,436B TIME: 13:36:05

DATE: 07/14/2003

Input Set : A:\PTOYF.txt

Output Set: N:\CRF4\07142003\I674436B.raw

L:39 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ#:2, <213>

ORGANISM: Artificial Sequence

I,:39 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ#:2, <213>

ORGANISM: Artificial Sequence

L:39 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:2,Line#:39

L:48 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3

L:55 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:3

L:56 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:0

L:83 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5 after pos.:0

L:97 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:0